

HOUSE _____ AMENDMENT NO. _____

Offered By _____

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 625, Pages 5 to 7, Section 104.1084, by removing all of said section from the bill; and

Further amend said bill, Page 11, Section 104.1091, Line 141, by inserting after all of said line the following:

“104.1095. 1. As used in sections 407.1095 to 407.1107, the following terms mean:

(1) "Board of trustees", "board", or "trustees", the governing body of the Missouri state employees' retirement system established for the year 2000 plan under sections 104.1003 to 104.1093;

(2) "Member", any person who becomes a member of the general assembly or becomes a statewide elected official for the first time on or after January 1, 2013;

(3) "System" or "retirement system", the Missouri state employees' retirement system.

104.1098. 1. Notwithstanding any provision of this chapter to the contrary, each person who becomes a member of the general assembly for the first time on or after January 1, 2013, shall be subject to the provisions of this section and sections 104.1095, 104.1101, 104.1104 and 104.1107.

2. The board of trustees of the system shall:

(1) Establish a defined contribution plan, intended to qualify as a profit sharing plan under Section 401(a) of the Internal Revenue Code of 1986, as amended, for members who otherwise would be covered by the system which, among other things, provides for an individual account for each participant and for benefits based solely on the amount allocated to the participant's account and for vesting after such member of the general assembly has served at least three full biennial assemblies as a member of the general assembly or after such statewide elected official has served at least four years as a statewide elected official;

(2) Select third-party administrators to provide such services as the board determines to be necessary for the proper administration of the defined contribution plan;

(3) Hold all assets and income of the defined contribution plan in trust for the exclusive benefit of participants and their beneficiaries;

(4) Select the investments of such trust, and permit the participants in the defined contribution plan to direct investment of their individual accounts among investment options including but not limited to brokerage accounts;

(5) Amend the plan from time to time as necessary or appropriate to comply with Section 401(a) of the Internal Revenue Code of 1986, as amended, and the purposes of this section; and

1 (6) Establish such rules and regulations as may be necessary to carry out the purposes of this
2 section under the authority granted by section 104.1063.

3 104.1101. 1. Subject to the applicable limits of the Internal Revenue Code, the annual
4 contribution rate for each member participating in the defined contribution plans shall be paid by the
5 employer and shall be equal to the contribution rate determined by the general assembly under the
6 appropriation process but in no event shall the rate be less than eight percent of the annual pay for each
7 participating member. The term "pay" as used in this section shall be defined in the plan document, in a
8 manner substantially similar to the definition of pay in section 104.1003.

9 2. Members participating in the defined contribution plans may contribute additional monies from
10 his or her pay above the annual contribution rate subject to the applicable limits of the Internal Revenue
11 Code.

12 104.1104. 1. The employer, as defined in section 104.1003, and any third-party administrator
13 shall provide such information to the systems as may be required to implement the provisions of sections
14 104.1095 to 104.1107.

15 2. The board and employees of the system shall not be liable for the investment decisions made or
16 not made by participating members in the defined contribution plan established under section 104.1098 as
17 long as the board acts with the same skill, prudence, and diligence in the selection and monitoring of
18 providers of investment products, education, advice, or any default investment option, under the
19 circumstances then prevailing that a prudent person acting in a similar capacity and familiar with those
20 matters would use in the conduct of a similar enterprise with similar aims.

21 3. The system shall be immune from suit and shall not be subject to any claim or liability
22 associated with the administration of the defined contribution plan established under section 104.1098 by
23 the board and employees of the system.

24 104.1107. Members who are members of the closed plan or year 2000 plan as defined under
25 section 104.1003 may make a one-time irrevocable election to participate in the defined contribution plan
26 established under section 104.1098 under an election process established by each system. Members who
27 elect to participate in the defined contribution plan shall not accrue any additional creditable or credited
28 service in the closed plan or year 2000 plan after the date of such election but only with respect to services
29 rendered by the employee before the effective date of such election. Compensation paid to the employee
30 after the effective date of such election shall not be taken into account by the closed plan or year 2000
31 plan.”; and

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33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.